



Office of the Government Chief Information Officer


The Government of the Hong Kong Special Administrative Region
of the People's Republic of China

Facilitating Cross-boundary Data Flow within the Guangdong- Hong Kong-Macao Greater Bay Area

Hong Kong General Chamber of Commerce (HKGCC) Legal Committee Meeting

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Government Chief Information Officer

31 January 2024

An aerial photograph of a city skyline, likely Hong Kong, featuring numerous high-rise buildings and a body of water. A large teal rectangular box is overlaid on the center of the image, containing white text. The text is in both English and Chinese.

Standard Contract for Cross-boundary Flow of
Personal Information within the Guangdong-
Hong Kong-Macao Greater Bay Area
(Mainland, Hong Kong)
("GBA Standard Contract")

《粵港澳大灣區（內地、香港）個人信息跨境流
動標準合同》（《大灣區標準合同》）便利措施

Relevant Authorities of GBA Standard Contract Facilitation Measure

《大灣區標準合同》便利措施的有關單位



Mainland 內地

- ◆ Cyberspace Administration of China
國家互聯網信息辦公室
- ◆ Cyberspace Administration of Guangdong Province
廣東省互聯網信息辦公室



Hong Kong 香港

- ◆ Innovation, Technology and Industry Bureau
創新科技及工業局
- ◆ Office of the Government Chief Information Officer
政府資訊科技總監辦公室
- ◆ Office of the Privacy Commissioner for Personal Data, Hong Kong
香港個人資料私隱專員公署

Characteristics of GBA Standard Contract

《大灣區標準合同》的特色

Adoption on a
voluntary basis
為自願訂立性質



Using the **same pre-**
designed template
採用**同一套範本合約**



Streamline compliance
arrangements
簡化合規安排

Applicable Scope 適用範圍

- ◆ Applicable to personal information processor and the recipient who are registered (applicable to organisations)/located (applicable to individuals) in

個人信息處理者及接收方應註冊於（適用於組織） / 位於（適用於個人）：

- **Mainland cities within the GBA, that is, Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing in Guangdong Province**
大灣區內地城市（即廣東省廣州市、深圳市、珠海市、佛山市、惠州市、東莞市、中山市、江門市及肇慶市）
- **Hong Kong Special Administrative Region 香港特別行政區**
- ◆ Prior to cross-boundary transfers of personal information, the personal information processor shall, in accordance with the laws and regulations of the jurisdiction of the personal information processor, **inform the personal information subject or obtain the consent of the personal information subject**
跨境提供個人信息前，應當按照個人信息處理者屬地法律法規要求告知個人信息主體或者取得個人信息主體同意
- ◆ The personal information processor, by means of entering into a GBA Standard Contract may provide personal information across the boundary and such information **shall not be transferred to any organisation or individual outside the GBA.**
通過訂立《大灣區標準合同》跨境提供個人信息的，不得向粵港澳大灣區以外的組織、個人提供



粵港澳大灣區
Greater Bay Area



Streamline Compliance Arrangements : Lifting Restrictions on Volume of Flow of Personal Information

簡化合規安排：豁免個人信息流動數量上的限制

Standard Contract for Cross-border Transfers of Personal Information 《個人信息出境標準合同》



Article 4 Personal information processors that satisfy all of the following conditions may rely on the execution of standard contracts to transfer personal information out of the Mainland

第四條 個人信息處理者通過訂立標準合同的方式向境外提供個人信息的，應當同時符合下列情形：

.....

(2) where the personal information processor which transfers personal information out of the Mainland processes personal information of **not more than one million persons** (in aggregate);

處理個人信息不滿100萬人的；

(3) where the personal information processor which transfers out personal information has cumulatively made outbound transfers of personal information of **not more than 100,000 persons** (in aggregate) since 1 January of the preceding year; and

自上年1月1日起累計向境外提供個人信息不滿10萬人的；

(4) where the personal information processor which transfers out personal information has cumulatively made outbound transfers of **sensitive personal information of not more than 10,000 persons** since 1 January of the preceding year.

自上年1月1日起累計向境外提供敏感個人信息不滿1萬人的。

.....

Standard Contract for Cross-boundary Flow of Personal Information Within the GBA (Mainland, Hong Kong) 《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》



(This restriction is lifted)
〔已豁免此要求〕

Streamline Compliance Arrangements : Personal Information Protection Impact Assessment (PIA) Key Assessment Areas Simplified from Six to Three

簡化合規安排：個人信息保護影響評估的重點評估內容由6項減至3項

Standard Contract for Cross-border Transfers of Personal Information 《個人信息出境標準合同》

Article 5 Prior to the cross-border transfer of personal information, the personal information processor shall conduct a personal information protection impact assessment that focuses on the following:

第五條 個人信息處理者向境外提供個人信息前，應當開展個人信息保護影響評估，重點評估以下內容：

- (1) The **legality, legitimacy and necessity** of the **purpose**, scope and **means**, etc. of processing of personal information by the **personal information processor and the recipient** outside the jurisdiction; 個人信息處理者和境外接收方處理個人信息的目的、範圍、方式等的合法性、正當性、必要性；
- (2) The scale, scope, category and sensitivity of the outbound personal information, and the **risks** that cross-border transfer of personal information might pose to **the rights and interests of individuals regarding personal information**; 出境個人信息的規模、範圍、種類、敏感程度，個人信息出境可能對個人信息權益帶來的風險；
- (3) Whether the **obligations** undertaken by the recipient outside the jurisdiction and the **management, technical measures and capabilities of such recipient to perform such obligations can ensure the security of the outbound data**; 境外接收方承諾承擔的義務，以及履行義務的管理和技術措施、能力等能否保障出境個人信息的安全；
- (4.) The risks of the outbound personal information suffering from alteration, destruction, leakage, loss or illegal use, etc., during and after the cross-border transfers, and whether the channels provided to uphold the rights and interests of individuals regarding personal information are clear, etc.; 個人信息出境後遭到篡改、破壞、泄露、丟失、非法利用等的風險，個人信息權益維護的渠道是否通暢等；
- (5) The impact of personal information protection policies and regulations of the location of the recipient outside the jurisdiction on the performance of the standard contract; and 境外接收方所在國家或者地區的個人信息保護政策和法規對標準合同履行的影響；
- (6) Other matters that may affect the security of the cross-border transfers of personal information. 其他可能影響個人信息出境安全的事項。

Standard Contract for Cross-boundary Flow of Personal Information Within the GBA (Mainland, Hong Kong) 《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同》

Article 5 Prior to cross-boundary transfers of personal information by entering into the Standard Contract in accordance with this set of Implementation Guidelines, the personal information processor shall conduct a personal information protection impact assessment. The assessment shall focus on the following:

第五條 個人信息處理者按照本實施指引，通過訂立標準合同跨境提供個人信息前，應當開展個人信息保護影響評估，重點評估以下內容：

- (1) The **legality, legitimacy and necessity of the purposes and means, etc.** of processing personal information by **the personal information processor and recipient**; 個人信息處理者和接收方處理個人信息的目的、方式等的合法性、正當性、必要性；
- (2) The **impact on and security risks to the rights and interests of personal information subjects**; 對個人信息主體權益的影響及安全風險；
- (3) Whether the **obligations** undertaken by the recipient, as well as **its management and technical measures and capabilities, etc. to perform the obligations can ensure the security of personal information transferred across the boundary**. 接收方承諾承擔的義務，以及履行義務的管理和技術措施、能力等能否保障跨境提供的個人信息安全。

Streamline Compliance Arrangements

簡化合規安排



1

Lifting the Restrictions on the Volume of the Flow of the Personal Information
豁免個人信息流動數量上的限制

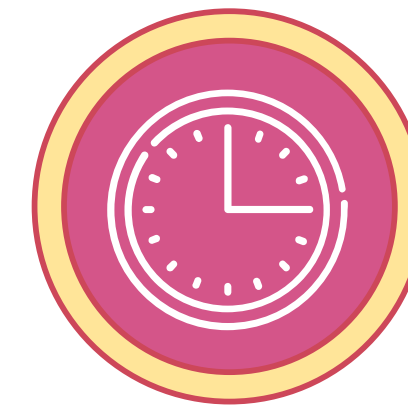
The restriction on the volume of the flow of the personal information by the personal information processor is lifted
豁免了個人信息處理者跨境流動個人信息數量上的限制



2

Simplifying the Personal Information Protection Impact Assessment (PIA)
簡化個人信息保護影響評估

The key assessment areas of PIA is simplified from six to three
個人信息保護影響評估的重點評估內容由6項減少至3項



3

Shortening the Filing Process
縮短備案流程

The filing process is shortened from 15 working days to 10 working days
備案流程從15個工作日縮短至10個工作日內完成

Filing Requirements 備案要求

The **personal information processor** and the **recipient** of Hong Kong shall conduct the filing procedures **within 10 working days** from the effective date of the GBA Standard Contract and submit the below documents:

個人信息處理者及接收方應在《大灣區標準合同》生效之日起10個工作日內進行備案，提交如下文件：



1

Photocopy of Identity proof of the legal representatives 法定代表人身份證明文件

2

Undertaking 承諾書

3

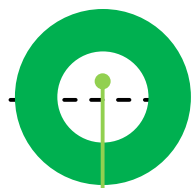
GBA Standard Contract (Chinese version)
《大灣區標準合同》（中文版）



The Personal Information Protection Impact Assessment must be completed by the **personal information processor** **within 3 months** before the filing date, and is not required to submit for filing

個人信息處理者需於備案之日前3個月內完成《個人信息保護影響評估報告》，報告不需提交備案

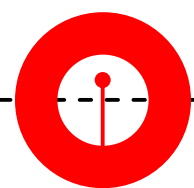
Filing Process 備案流程



(1) Submission of Documents 文件提交

The personal information processor and recipient of Hong Kong shall conduct the filing procedures with the OGCIO **within 10 working days from the effective date of the GBA Standard Contract**

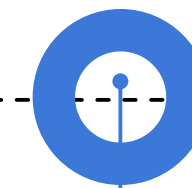
香港的個人信息處理者及接收方應在《大灣區標準合同》生效之日起**10個工作日內**，向資料辦遞交文件進行備案



(2) Checking of Documents 文件檢查

Upon the receipt of filing documents, OGCIO will complete the checking of documents **within 10 working days**

資料辦收到文件後，在**10個工作日**內完成檢查文件是否完備妥當



(3) Notifying the Filing Result 回覆備案結果

Personal Information Processor 個人信息處理者

- For a “**Pass**” filing result, OGCIO will issue a **filing reference number** to the applicant

通過備案的，向申請人發放備案編號

- For a “**Not Pass**” result, OGCIO will **inform the result with reasons**. The applicant shall provide the supplementary documents upon request within 10 working days for re-filing

不通過備案的，申請人將收到備案未成功通知及原因，要求補充完善文件的，申請人應當補充完善文件並於10個工作日內再次提交

Recipient 接收方

- Upon the receipt and checking the completeness of filing documents, OGCIO will **issue acknowledgement to the recipient**

相關文件完備妥當，向申請人發出文件收妥通知



For details, please refer to the Filing Guidelines on the GBA Standard Contract

有關備案詳情，請參閱《粵港澳大灣區（內地、香港）個人信息跨境流動標準合同備案指南》

Implementation Timeline 推行時間表

Early 2024
2024年年初

Individuals or organisations who are interested to participate can continue to **submit the Express of Interest form** to us
有興趣的個人或企業可提交意向書

Before Mid 2024
2024年年中前

Review and extend the facilitation measures
檢討及擴展便利措施安排

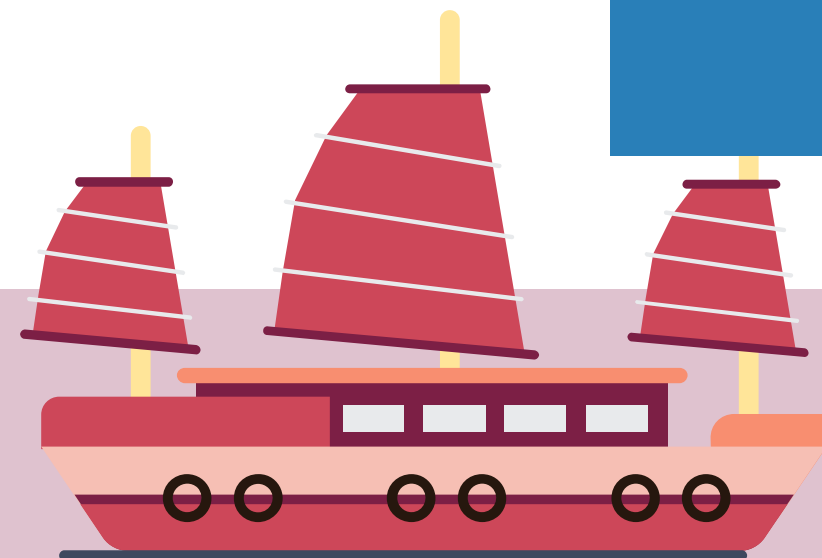
Announced the facilitation measure and the “Early and Pilot Implementation” arrangement, inviting participation from **banking, credit referencing and healthcare sectors**

公布便利措施及先行先試安排，首階段先邀請**銀行業、徵信業及醫療業**參與

13 Dec 2023
2023年12月13日

Accept the filing of the GBA Standard Contract that have submitted the Express of Interest forms to start the cross-boundary data flow
接受已提交意向書的**備案申請**，開展數據跨境流動

Early 2024
2024年年初



Thematic Website of Facilitating Cross-boundary Data Flow within the GBA 促進粵港澳大灣區數據跨境流動專題網頁



English



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- Early and Pilot Implementation Arrangement 先行先試安排
- Related Documents 相關文件
- Q&A 常見問題
- Useful links 參考連結



繁體中文

Thank You

謝謝

